



UNITED STATES
PATENT AND
TRADEMARK OFFICE

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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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In re Application of :
Duran et al :
Serial No.: 09/508,031 : Petition to Withdraw Office Action
Filed: 26 April 2000 :
Attorney Docket No. P/613-111 :

This letter is in response to the Petition received 22 May 2002, filed under 37 CFR 1.181, to withdraw the office action mailed 28 March 2002.

BACKGROUND

A review of the file history shows that this application was filed under 35 USC 371, as the national stage filing of PCT/ES98/00243. During prosecution of the PCT application, an amendment filed on 20 December 1999 replaced sheets 14-16, claims 1-15, with new sheets drawn to amended claims 1-13. The International Preliminary Examination Report, completed by the European Patent Office on 12 January 2000, was based upon the claims 1-13 as received on 20 December 1999.

The Examiner set forth a restriction Requirement Paper No 7, mailed 17 September 2001 and a non-final Office action, Paper no 9, mailed 28 March 2002.

On 22 May 2002, Applicants filed this petition to withdraw the Office action mailed 28 March 2002, directed to the incorrect claim set and to issue a revised action directed to the correct set of claims.

DISCUSSION

Due to clerical error that occurred during the assembly of the national stage filing of application 09/508,031, the originally filed claims 1-15 were incorrectly placed before the examiner as pending. Claims 1-13 as filed under Article 34 Amendment on 20 December 1999 should have been processed as pending claims. This processing error has

now been corrected. The Office regrets any inadvertent delay and inconveniences that resulted from this error.

The amendments filed with the certificate of mailing dated 6 March 2000 and 16 January 2002 have been entered into the correct claim set. The status of the claims is as follows:

Claims 1, 6 and 8, as amended by Amendment B, filed with a certificate of mailing dated 16 January 2002.

Claim 7 canceled by Amendment B, filed with a certificate of mailing dated 16 January 2002.

Claim 14 as newly added by Amendment B, filed with a certificate of mailing dated 16 January 2002.

Claim 12 as amended to correct the claim dependency by Preliminary Amendment A, filed with a certificate of mailing dated 6 March 2000.

Claims 2-5, 9-11, 13 as filed in the Article 34 Amendment dated 20 December 1999.

The Office action mailed 28 March 2002 has been withdrawn. A new, non-final office action directed to the correctly pending claims will be forthcoming shortly.

DECISION

This petition is **GRANTED** for the reasons set forth above.

The application will be forwarded to the examiner for action not inconsistent with this decision.

Should there be any questions with regard to this letter, please contact Julie Burke by letter addressed to the Director, Technology Center 1600, Washington DC 20231 or by telephone at (703) 308-7553 or by facsimile transmission at (703) 308-7230.



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